

Application No. 09/827,933  
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On pages 7 and 8, replace paragraph 0033 with the following new paragraph 0033:

p 2  
[0033] The energy return system 20 is preferably disposed between the outsole 16 and the upper portion 14 and, in the illustrated embodiment of FIG. 1, extends approximately the entire length of the shoe. The energy return system 20 includes upper and lower sole plates 22, 24 preferably made of an elastic material which is defined here as a rigid, high tensile strength material which has a modulus of elasticity of at least  $32 \times 10^6$  lb/in.<sup>2</sup>. Preferably, the material will also have a light weight property. A suitable material for the plates 22, 24 is a material made of carbon graphite fibers. Graphite has the advantages that it has high tensile strength, a high modulus of elasticity, is light weight, and as discussed below may be easily processed. The graphite plates 22, 24 may comprise a single layer of graphite fibers but preferably includes a plurality of layers 23, shown in FIG. 10. The upper and lower plates 22, 24 are formed generally in accordance with the teaching of U.S. Patent No. 4,858,338 (Schmid), the entire contents of which are hereby incorporated by reference, wherein crossed fibers of a straight graphite strip and an angled graphite strip are used to cradle the first metatarsal head of the foot, provide maximum stiffness to resist torsion in both directions and activate the rocker bottom system, as discussed below. In the particular embodiment illustrated, however, a heel 18 having a greater height is provided. Further, in a preferred embodiment of the present invention, the graphite fibers will extend to the end of the shape of the plates 22, 24 and the fibers will be disposed in three different directions. There are preferably approximately twenty layers 23 of graphite fibers in the plates 22, 24 of the present invention, each layer providing increased shock absorption and energy release along the path of the gait cycle, as described in greater detail below.

In the Claims:

Please amend Claims 1, 5, 8, 20, 24, 28, and 32 as follows:

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(1.) (Twice Amended) An article of footwear comprising:  
an upper;  
an outsole defining a ground engaging surface;  
a sole disposed between said upper and said outsole, said sole including an energy return system;  
wherein said energy return system comprises a first rigid plate, a second rigid plate spaced a predetermined distance from said first rigid plate, and at least one elastomeric separating element disposed therebetween to maintain the spacing between said plates, the separating element allowing independent movement of the first and second rigid plates with respect to one another in multiple dimensions including medial lateral movement and vertical movement.

B4

(5.) (Twice Amended) An article of footwear comprising:  
an upper;  
an outsole defining a ground engaging surface;  
a sole disposed between said upper and said outsole, said sole including an energy return system;  
wherein said energy return system comprises a first rigid plate, a second rigid plate spaced a predetermined distance from said first rigid plate, and two elastomeric separating elements disposed therebetween to maintain the spacing between said plates, a first one of said separating elements being disposed in a toe area of said article of footwear and a second one of said separating elements being disposed in a heel area of said article of footwear.

B5

(8.) (Twice Amended) An energy return system for use in a shoe sole, said system comprising:  
a first rigid plate;

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a second rigid plate spaced a predetermined distance from said first rigid plate;

at least one elastomeric separating element maintaining the distance between said first and second rigid plates, the separating element allowing independent movement of the first and second rigid plates with respect to one another in multiple dimensions including medial lateral movement and vertical movement.

b4  
20. (Twice Amended) A shoe sole for an article of footwear comprising:  
an outsole defining a ground engaging surface;  
an upper rigid plate spaced from the outsole for attachment to an upper;  
a lower rigid plate disposed between the outsole and the upper rigid plate;

and

at least one elastomeric separating element disposed between the upper and lower rigid plates to maintain the separation thereof, the separating element allowing independent movement of the first and second rigid plates with respect to one another in multiple dimensions including medial lateral movement and vertical movement.

b7  
24. (Amended) The article of footwear of claim 1 wherein the first and second rigid plates are not immovably fixed to one another in any dimension.

b8  
28. (Amended) The energy return system of claim 25 wherein the first and second rigid plates are not immovably fixed to one another in any dimension.

b9  
32. (Amended) The shoe sole of claim 29 wherein the first and second rigid plates are not immovably fixed to one another in any dimension.

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